

REFERENCE TITLE: DHS; environmental standards; environmental council

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2309

Introduced by
Representatives Sinema, Ableser, Lujan: Campbell CH, Gallardo, Lopes,
Meza, Miranda B, Ulmer

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-113; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:
Section 1. Title 36, chapter 1, article 1, Arizona Revised Statutes,
is amended by adding section 36-113, to read:

36-113. Environmental standards: council of environmental health and environmental justice: definition

A. PURSUANT TO RULES ADOPTED BY THE DIRECTOR, THE DEPARTMENT OF HEALTH SERVICES SHALL ESTABLISH STANDARDS FOR THE NUMBER AND SPACING OF AIR, WATER AND HAZARDOUS WASTE PERMITS ISSUED PURSUANT TO TITLE 49 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY. THE DEPARTMENT OF HEALTH SERVICES SHALL BASE THESE STANDARDS ON THE RECOMMENDATIONS OF THE COUNCIL OF ENVIRONMENTAL HEALTH AND ENVIRONMENTAL JUSTICE APPOINTED PURSUANT TO SUBSECTION B AND IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

B. THE COUNCIL OF ENVIRONMENTAL HEALTH AND ENVIRONMENTAL JUSTICE IS ESTABLISHED IN THE DEPARTMENT OF HEALTH SERVICES TO ENSURE EQUAL ENVIRONMENTAL PROTECTION FOR ALL RESIDENTS OF THIS STATE REGARDLESS OF RACE, ETHNICITY OR SOCIOECONOMIC STATUS. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL SERVE AS CHAIRPERSON OF THE COUNCIL. THE DIRECTOR SHALL APPOINT TO THE COUNCIL REPRESENTATIVES FROM THE PUBLIC, NEIGHBORHOOD ASSOCIATIONS, ENVIRONMENTAL GROUPS, THE BUSINESS SECTOR AND OTHER GROUPS THAT HAVE AN INTEREST AND EXPERTISE IN ISSUES RELATING TO THE ENVIRONMENT AND PERMITTING REGULATIONS. COUNCIL MEMBERS SERVE AT THE PLEASURE OF THE DIRECTOR. COUNCIL MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR REIMBURSEMENT OF EXPENSES. THE COUNCIL SHALL MEET AT THE CALL OF THE CHAIRPERSON AND AT LEAST TWO TIMES EACH YEAR.

C. AT A MINIMUM, THE STANDARDS ADOPTED BY THE DEPARTMENT OF HEALTH SERVICES SHALL REQUIRE THAT WHENEVER THE DEPARTMENT OF ENVIRONMENTAL QUALITY ISSUES, REISSUES OR MODIFIES A PERMIT AUTHORIZING THE RELEASE OF A POLLUTANT FROM A SOURCE OR FACILITY INTO THE ENVIRONMENT, THE DEPARTMENT OF ENVIRONMENTAL QUALITY MUST:

1. IDENTIFY EACH SUBPOPULATION THAT MAY BE EXPOSED TO THE POLLUTANTS TO BE RELEASED FROM THE SOURCE OR FACILITY.

2. INCLUDE IN ANY REQUIRED PUBLIC NOTICE OF THE PROPOSED PERMIT DATA ON THE RACE, COLOR, NATIONAL ORIGIN AND INCOME WITHIN A THREE MILE RADIUS OF THE SOURCE OR FACILITY.

3. QUANTIFY THE CUMULATIVE EXPOSURE OF EACH SUBPOPULATION OF ALL POLLUTANTS TO BE RELEASED FROM THE SOURCE OR FACILITY THAT CONTRIBUTES TO THE CUMULATIVE EXPOSURE TO THE POLLUTANTS.

4. LIMIT THE RELEASE OF POLLUTANTS FROM THE SOURCE OR FACILITY TO ENSURE THAT THE RELEASE OF POLLUTANTS DOES NOT CAUSE OR CONTRIBUTE TO A CUMULATIVE EXPOSURE TO POLLUTANTS OF ANY SUBPOPULATIONS THAT IS GREATER THAN THE CUMULATIVE EXPOSURE TO POLLUTANTS OF A REFERENCE POPULATION, THAT IS NOT A SUBPOPULATION, LOCATED IN AN AREA OF COMPARABLE DENSITY AND LAND USE IN THE SAME COUNTY.

5. ASSESS THE RISK TO HUMAN HEALTH FROM EXPOSURE TO EACH INDIVIDUAL TOXIC POLLUTANT TO BE RELEASED FROM THE SOURCE OR FACILITY.

1 6. ASSESS THE RISK TO HUMAN HEALTH FROM THE CUMULATIVE EXPOSURE TO ALL
2 TOXIC POLLUTANTS TO BE RELEASED FROM THE SOURCE OR FACILITY.

3 7. ASSESS THE RISK TO HUMAN HEALTH FROM THE CUMULATIVE EXPOSURE TO ALL
4 TOXIC POLLUTANTS TO BE RELEASED FROM OTHER SOURCES OR FACILITIES THAT
5 CONTRIBUTE TO THE CUMULATIVE EXPOSURE TO TOXIC POLLUTANTS.

6 8. LIMIT THE RELEASE OF TOXIC POLLUTANTS FROM ALL SOURCES AND
7 FACILITIES AUTHORIZED BY PERMITS, LICENSES, CERTIFICATIONS, VARIANCES OR
8 OTHER AUTHORIZATIONS TO LIMIT THE HUMAN HEALTH RISK FROM INDIVIDUAL AND
9 CUMULATIVE EXPOSURES TO TOXIC POLLUTANTS.

10 D. FOR THE PURPOSES OF THIS SECTION, "SUBPOPULATION" MEANS A
11 POPULATION OF AT LEAST TWENTY-FIVE PERSONS WHO LIVE IN A CONTIGUOUS
12 GEOGRAPHIC AREA THAT CAN BE CHARACTERIZED AS ANY OF THE FOLLOWING:

13 1. BEING OF A RACE THAT IS NOT THE MAJORITY RACE IN THIS STATE AND
14 THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE AVERAGE PERCENTAGE
15 OF THAT RACE.

16 2. BEING OF A COLOR THAT IS NOT THE MAJORITY COLOR IN THIS STATE AND
17 THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE AVERAGE PERCENTAGE
18 OF THAT COLOR.

19 3. BEING OF A NATIONAL ORIGIN THAT IS NOT THE MAJORITY NATIONAL ORIGIN
20 IN THIS STATE AND THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE
21 AVERAGE PERCENTAGE OF THAT NATIONAL ORIGIN.

22 4. HAVING A PERCENTAGE OF HOUSEHOLDS WITH AN INCOME OF LESS THAN
23 FIFTEEN THOUSAND DOLLARS THAT IS 1.2 TIMES GREATER THAN THE COUNTYWIDE AND
24 STATEWIDE AVERAGE PERCENTAGE OF HOUSEHOLDS WITH AN INCOME OF LESS THAN
25 FIFTEEN THOUSAND DOLLARS.